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U.S. EPA
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: Con-Way Freight, Inc.
Our File No. 21705.20

This letter follows-up on our conversation earlier in the week regarding U.S. EPA's ("EPA") second letter to Con-way Freight, Inc. ("Con-way Freight") requesting information about Con-way Freight's compliance with California's Truck and Bus Regulation ("Second Request"). We enclose a copy of the Second Request for your convenience.

This Second Request relates to EPA's earlier request to Con-way Freight dated May 7, 2014 ("First Request"). As I explained to you during our call, responding to this Second Request would require an inordinate amount of time and effort – Con-way Freight conservatively estimates some 250 man hours will be required to respond to this request. Among other things, the request will require that Con-way Freight check and cross reference multiple data bases. Moreover, Con-way Freight does not have employees dedicated to this purpose. Instead, existing employees must necessarily be reassigned from their normal duties in order to respond to this Second Request.

As you explained, EPA is not interested in soliciting information for the sake of compiling data but rather EPA is attempting to understand Con-way's compliance status. To this end, we are proposing to bifurcate our response on behalf of Con-way Freight.

First, we understand that EPA had some concerns about Con-way Freight's response to the First Request. The Second Request explains that EPA is concerned that: (1) some vehicles in Con-way Freight's fleet appear to have not been reported to TRUCRS; and, (2) there are vehicles in Con-way Freight's fleet that were reported to TRUCRS as retired that appear to have operated in California after the reported retirement date; and, (3) it may have identified instances of incomplete reporting to TRUCRS, including missing vehicle retirement and in-service dates.

We understand EPA's concerns. However, we believe they are based on a misunderstanding that we would first like the opportunity to correct before Con-way Freight undertakes the extraordinarily expensive and time-consuming effort to compile information that EPA may not need or want once it understands the underlying facts.

By way of background, Con-way Freight has replaced the majority of its fleet in California with new trucks to meet new CARB emissions standards. This led to some confusion in Con-way Freight's response. EPA's First Request requested that Con-way Freight produce records for vehicles driven in California with a GVWR over 26,000 pounds and a model year prior to 2007. Con-way Freight responded with information about the 29 vehicles that were in their fleet that met this description at the time of their response. That is, Con-way Freight assumed that EPA was trying to ascertain Con-way's current compliance status.

It appears from the Second Request, however, that EPA wants information about all the vehicles that have ever operated in California since 2012. As such, the response would involve a much larger number of units. Accordingly, Con-way proposes to revise its response to Question #1 by compiling information to include every vehicle that was in Con-way's fleet since January 1, 2012. This information will not provide EPA with information about Con-way's current compliance status as it will be historical information, rather than current information.

Meanwhile, Con-way will also review its files to confirm the accuracy of the TRUCRS data. There will likely be some necessary delay to produce these updates given the large quantity of tractors at issue – Con-way believes there could be some 800 vehicles that have operated in California since 2012. As I understand it, Con-way will need to manually review the files for each vehicle to confirm the accuracy of the data transmitted to TRUCRS.

If EPA has questions about Con-way Freight's response after review of its revised response, we request a meeting to discuss the Second Request. We can better explain the limitations that Con-way Freight faces in responding to these requests, EPA's need and legal basis for requesting the information, and whether we can come up with a different approach and/or schedule to providing some or all of the information to EPA.

We hope that this is an acceptable approach to the Second Request, saving both EPA and Con-way Freight considerable time and effort. Con-way Freight is working diligently on its response along the lines identified in this letter and expects to provide a response to EPA by November 5, 2014, which coincides with Con-way Freight's approximation of the due date for a response. Conway Freight could not identify the specific date on which the response was received by Con-way Freight, but believes that it was likely received by October 5, 2014, making the due date November 5, 2014.

Very truly yours,



Catherine W. Johnson

CWJ:bam

Encl.